

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-cv-100-RJC-DSC**

ERIC H. OTIS,)
Plaintiff,)
vs.)
GASTON COUNTY BOARD OF)
EDUCAION, SUPERINTENDENT)
JEFFERY BOOKER, in his official)
and individual capacities, DR. JOHN)
TUTTEROW, in his official and)
individual capacities, and CHRIS)
GERMAIN, in his official and)
individual capacities,)
Defendants.)

ORDER

THIS MATTER comes before the Court on Eric H. Otis' ("Plaintiff's") Amended Motion for Voluntary Dismissal, (Doc. No. 34). Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), it is within Plaintiff's ability to dismiss his action without prejudice if Defendant has neither served an answer or a motion for summary judgment. Seeing that Defendant has only filed a Motion to Dismiss, **IT IS, THEREFORE, ORDERED** that:

1. Plaintiff's Amended Motion for Voluntary Dismissal, (Doc. No. 34), is **GRANTED**; and
2. The Clerk of Court is directed to close this case.

Signed: February 21, 2018

Robert J. Conrad Jr.